



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Holst, et al.  
SERIAL NO : 10/055,259  
FILED : October 26, 2001  
TITLE : GLP-1 AS A DIAGNOSTIC TEST TO DETERMINE  $\beta$ -CELL  
FUNCTION AND THE PRESNECE OF THE CONDITION OF IGT  
AND TYPE-II DIABETES

Grp./A.U. : 1644  
Conf. No. : 8660  
Docket No. : P03987US1

**PETITION FOR DECISION ON A QUESTION NOT SPECIFICALLY PROVIDED FOR  
UNDER 37 C.F.R. 1.182**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

JUN 25 2002

OFFICE OF PETITIONS

Dear Sir:

In response to the Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated April 30,  
2002, Applicants hereby petition for the original filing date of the parent application, 09/333,415,  
filed June 15, 1999.

Applicants contend that the omitted item, page 7 of the specification (copy enclosed), was  
in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional  
application papers. Applicants are submitting herewith as evidence the post card, that requested  
acknowledgment of receipt of a copy of the original application (26 pages), which was stamped

06/25/2002 RWDHDAF1 00000002 10055259

01 FC:122

-----130:00 OP-----

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is being mailed via first class mail, in an envelope addressed to:  
United States Patent and Trademark Office, BOX SEQUENCES, P.O. Box 2327, Arlington, VA 22202, on this  
16 day of June, 2002.

Heidi S. Nebel

and returned, indicating that 26 pages had in fact been deposited at the USPTO. Applicant's file copy also did include page 7, as further proof it was submitted.

Applicants hereby submit the omitted item listed on the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures:

Evidence that of deposit of omitted item (A copy of the postcard indicating receipt by PTO of 26 pages of specification).

A copy of the omitted item (page 7).

A check in the amount of \$130.00 is enclosed to cover the petition fee.

Applicants respectfully request a refund of the Petition fee should it be determined that the item was received by the USPTO.

Respectfully submitted,



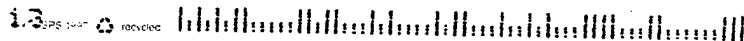
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October 26, 2001

Attorney Docket No. P03987US1

J.J. Holst

Divisional of Serial No. 09/333,415

GLP-1 as a Diagnostic Test to Determine  $\beta$ -Cell Function and the Presence of  
the Condition of IGT and Type-II Diabetes

Please acknowledge receipt:

Utility Patent Application Transmittal Letter

Fee Transmittal Form (in duplicate)

Application Data Sheet

Copy of original application (26 pages)

Information Disclosure Statement (3 pgs)

Copy of original Declaration (2 pages)

9 Sheets of Drawings

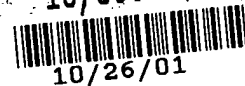
37 CFR 3.73(b) Statement (1pages)

Preliminary Amendment (7 pgs.)

Check for \$370

jc997, U.S. PTO

10/055259



10/26/01

Form PTO/SB/08A & 08B

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**EXHIBIT**